

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

DATE OF DECISION: 12.10.2006

United India Insurance Co.Ltd.

...Appellant

versus

Smt.Sushma and others

... Respondents

CORAM:- Hon'ble Mr. Justice Uma Nath Singh.
Hon'ble Mr. Justice Mahesh Grover.

Present: Mr.R.N.Singal, Advocate,
for the appellant.

UMA NATH SINGH, J. (Oral)

In this insurer's appeal against an award dated 5.6.2006 passed by learned Presiding Officer, Motor Accident Claims Tribunal, Fast Track Court, Bhiwani, in MACT Petition No.65 of 2002/2004, awarding a sum of Rs.3,20,000/- in death case of a 32 years old man, learned counsel submitted that the driving licence as per discussion was not valid on the date of accident, inasmuch as it was renewed only after the accident. According to learned counsel, it amounts to breach of condition of policy, which should not to have been ignored by the Tribunal while rendering the award.

We have carefully considered the submission of learned counsel and perused the award. In para 23 of the award, there is a detailed discussion on the validity of the licence. The Tribunal has mentioned that the driving licence available on the file was duly endorsed and it was renewed from 16.1.2002 upto 15.1.2005. It has also discussed that there is no evidence, oral or otherwise, to show that prior to renewal of the licence, the driver was not holding a valid driving licence. The

Insurance Company has failed to discharge the onus by bringing requisite evidence on record. Finding of learned Presiding Officer is further fortified by the ratio of the judgments of Hon'ble the Apex Court reported in (i) 2004(1) PLR 510 (National Insurance Company Ltd. versus Swaran Singh and others), and (ii) 2006(133) Companies Cases 343 (SC) (Lal Chand versus Oriental Insurance Company Ltd.).

Accordingly, this FAO does not deserve to be admitted.

Hence, dismissed in limine.

(UMA NATH SINGH)
JUDGE

October 12, 2006
pk

(MAHESH GROVER)
JUDGE